

**ENTERED**

June 26, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISIONUNITED STATES OF AMERICA,  
Plaintiff

VS.

VERNON LAVELLE JONES,  
Defendant§  
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§

CRIMINAL ACTION NO. 2:12-CR-533

**ORDER**

Pending before the Court is Defendant Vernon Lavelle Jones' Petition for Compassionate Release and/or Reduction of Sentence, wherein he moves the Court to order his release to home confinement due to the current COVID-19 pandemic. D.E. 55. Defendant states that he "is in grave danger in the face of COVID-19 due to having diabetes, hypertension, and a cancerous cyst that may be malignant." *Id.* at 1.

Defendant previously moved the Court for compassionate release on the same grounds. *See* Defendant's Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A) Pre COVID-19, D.E. 53. In its June 11, 2020 Memorandum Opinion & Order denying relief, the Court wrote:

Defendant is 50 years old and African American. He states that he suffers from high blood pressure, diabetes, and a mental health issue; however, he has provided no medical records to support his claim that he has been diagnosed with one or more medical conditions that make him particularly vulnerable to severe illness or death should he contract COVID-19. Moreover, the BOP has not determined any other extraordinary and compelling reason exists to support Defendant's release, nor has it certified that Defendant poses no danger to the community, that he is at no substantial risk of engaging in criminal conduct if released, or that his release

will result in a substantial net reduction of costs to the Federal Government. In fact, Defendant does not even claim to have pursued his remedies within the BOP before petitioning the Court for compassionate release as required. Instead, he states that exhaustion may be unnecessary.

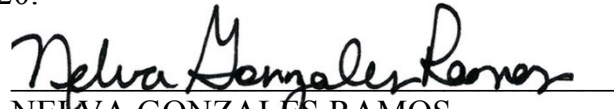
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Because Movant has failed to comply with the exhaustion requirements under [18 U.S.C.] § 3582, his motion is not ripe for review, and the Court is without jurisdiction to grant it.

D.E. 54, pp. 4–5 (internal footnote omitted).

Because Defendant still has not exhausted his administrative remedies within the BOP as required,<sup>1</sup> the Court remains without jurisdiction to grant relief. Accordingly, his Petition for Compassionate Release and/or Reduction of Sentence (D.E. 55) is **DENIED**.

ORDERED this 26th day of June, 2020.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>. In the first page of motion—which is in a different handwriting than the rest of the motion and appears to be a form with several blanks to complete—Defendant states that “he appeals from the warden’s 30 day lapse in response. [See Exhibit # 1].” However, there are no exhibits attached to the motion.